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28 UNITED STATES DISTRICT COURT
29
30 NORTHERN DISTRICT OF CALIFORNIA
31
32 (SAN FRANCISCO DIVISION)

33 FINJAN LLC,

34 Case No. 3:14-cv-04908-RS

35 Plaintiff,

36 **JOINT STIPULATION FOR ENTRY OF
37 FINAL JUDGMENT AND ORDER**

38 v.

39 PALO ALTO NETWORKS, INC.,

40 Hon. Richard Seeborg
41 Ctrm. 3, 17th Floor

42 Defendant.

1 WHEREAS, following the Court’s Claim Construction Order (Dkt. 290), Plaintiff Finjan
 2 LLC (“Finjan”) and Defendant Palo Alto Networks, Inc. (“PAN”) (Finjan and PAN together “the
 3 Parties”) stipulate to PAN’s non-infringement of all asserted claims of U.S. Patent No. 8,141,154
 4 (“the ’154 Patent”);

5 WHEREAS, stipulating to PAN’s non-infringement now will allow the Parties to forego
 6 further litigation in this Court as to the ’154 Patent, while preserving Finjan’s right to appeal the
 7 Court’s Claim Construction Order as it relates to the ’154 Patent (Dkt. 290);

8 IT IS HEREBY STIPULATED AND AGREED by the Parties, subject to the approval of
 9 the Court, as follows:

10 1. Finjan filed this patent litigation action against PAN on November 4, 2014 (Dkt. 1).
 11 Finjan filed its Amended Complaint on March 31, 2021 (Dkt. 112). PAN filed its First Amended
 12 Answer and Affirmative Defenses to Finjan’s Amended Complaint on April 14, 2021 (Dkt. 116).
 13 Finjan has asserted that PAN infringes claims 1, 2, and 4 of the ’154 Patent (“Finjan’s ’154 Patent
 14 Claims”). PAN has asserted various defenses and counterclaims relating to the ’154 Patent
 15 including counterclaims seeking declaratory judgments that the claims of the ’154 Patent are
 16 invalid, not infringed, and unenforceable (“PAN’s ’154 Patent Defenses and Counterclaims”).

17 2. Finjan has also asserted that PAN infringes certain claims of U.S. Patent Nos.
 18 7,418,731; 7,647,633; and 8,225,408, and PAN has asserted various defenses and counterclaims
 19 relating to these other claims (“Other Patent Claims”).

20 3. The Parties disputed the construction of the terms “content processor” of claims 1
 21 and 2 of the ’154 Patent, and “content” of claims 1, 2, and 4 of the ’154 Patent. On June 14, 2024,
 22 this Court construed those claim terms. (Claim Construction Order, Dkt. 290). The Court
 23 construed “content” to mean “data or information which has been modified and is received over a
 24 network.” (*Id.* at 15.) The Court construed “content processor” to mean “a processor that
 25 processes modified content.” (*Id.*)

26 4. The Parties stipulate that Finjan cannot prove that PAN infringes claims 1, 2, and 4
 27 of the ’154 Patent under the Court’s constructions of “content processor” and “content” and that
 28 judgment of PAN’s non-infringement of the ’154 Patent be entered at such time that the Court

1 enters final judgment in this action, including final judgment on the Other Patent Claims. For the
2 sake of clarity, the Parties agree that Finjan cannot appeal the claim constructions for the '154
3 Patent, or any other issues relating to Finjan's '154 Patent Claims, until final judgment is entered
4 in this action, including final judgment on the Other Patent Claims.

5 Finjan reserves all rights to reassert Finjan's '154 Patent Claims in the event the
6 judgment of non-infringement is remanded to the Court after appeal.

7 PAN reserves all rights in its defenses and counterclaims. PAN's '154 Patent
8 Defenses and Counterclaims are dismissed without prejudice to the right to reassert them in the
9 event the judgment of non-infringement is remanded to the Court after appeal.

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11
12 Dated: July 11, 2024

Respectfully Submitted,

13 /s/ Roger A. Denning

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2 */s/ Timothy Chen Saulsbury*
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29 Attorneys for Defendant
30 PALO ALTO NETWORKS, INC.

1 **ATTESTATION PURSUANT TO CIVIL L.R. 5-1(i)**

2 In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this
3 document has been obtained from any other signatory to this document.

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1 **ORDER**
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3 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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5 Dated: 7/11/2024

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Hon. Richard Seeborg
United States Chief District Court Judge